



Senate

General Assembly

February Session, 2002

File No. 243

Senate Bill No. 414

Senate, April 2, 2002

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING SPECIAL EDUCATION SERVICES FOR CHILDREN IN THE JUVENILE JUSTICE SYSTEM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-134 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 Prior to the disposition of the case of any child convicted of a
4 delinquent act, investigation shall be made of the facts as [herein]
5 specified in this section by the probation officer, and until such
6 investigation has been completed and the results thereof placed before
7 the judge, no disposition of the child's case shall be made. Such
8 investigation shall consist of an examination of the parentage and
9 surroundings of the child [, his] and the child's age, habits and history,
10 and shall include also an inquiry into the home conditions, habits and
11 character of [his] the child's parents or guardians. Such investigation
12 shall include an inquiry into the circumstances of the offense, the
13 attitude of the complainant or victim, the criminal record, the present

14 condition of the child and any damages suffered by the victim
15 including medical expenses, loss of earnings and property loss. [Where
16 a] If the child is or legally should be in attendance at school, [it] such
17 investigation shall further contain a report of the child's school
18 attendance, adjustment and behavior, the child's individual
19 educational plan if the child has been identified pursuant to sections
20 10-76a to 10-76h, inclusive, as amended, as requiring special education
21 and related services and any recommendations from school officials on
22 conditions of probation if the child is placed on probation pursuant to
23 section 46b-140, as amended, which shall be furnished by the school
24 officials to the court upon its request. The court shall, when it is found
25 necessary to the disposition, cause a complete physical or mental
26 examination or an educational assessment, or [both] any combination
27 thereof, to be made of the child by persons professionally qualified to
28 do so. Such examination or assessment may include testing to
29 determine whether the child is alcohol-dependent or drug-dependent
30 as defined in section 46b-120 and whether the child requires special
31 education and related services. [Where] If the court causes a complete
32 physical or mental examination, or both, to be made of a child whose
33 parents, guardian or custodian is found able to pay in whole or in part
34 the cost thereof, it shall assess as costs against such parents, guardian
35 or custodian, including any agency vested with the legal custody of the
36 child, the expense so incurred and paid for by the court in having such
37 examination performed, to the extent of their financial ability to do so.
38 Prior to the disposition of the case of any child convicted of a
39 delinquent act, the court may cause a complete diagnostic examination
40 to be made, unless such information is otherwise available. Such
41 information shall include physical and psychological diagnoses and
42 may include medical, psychiatric, neurological, learning disability
43 diagnoses and such other diagnoses as the court deems necessary. If
44 such child is committed to the Department of Children and Families,
45 such information shall be shared with the Department of Children and
46 Families.

This act shall take effect as follows:

Section 1	<i>October 1, 2002</i>
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JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
GF - Cost	Judicial Dept.	None	Minimal	Minimal

Note: GF=General Fund

Municipal Impact:

Effect	Municipalities
STATE MANDATE -	Various Municipalities

Explanation

The bill requires juvenile probation officers to include in their predispositional reports in delinquency cases a child's individual educational plan if they have been identified as requiring special education and related services. The bill also permits judges to order predispositional educational assessments to determine if a delinquent child needs special education services.

The Judicial Department handles approximately 15,000 delinquency cases each year. Inclusion of individual educational plans in predispositional reports would result in a minimal administrative cost (related to copying) to the Judicial Department that can be absorbed within available resources. It is estimated that up to one-half of delinquency cases involve children for whom individual educational plans have already been developed. The bill could allow for the development of an additional 7,500 individual educational plans.

This bill would require local and regional school districts to supply reports to the judicial system above what is already supplied.

Supplying this information will result in costs related to copying and staff time to local and regional school districts. Although these costs would be minimal in many school districts they will not be in larger, urban school districts. Urban districts will incur costs beyond those budgetarily accommodated at present and will thus have to raise revenue or move expenditures from other currently budgeted areas.

Additionally the bill may result in costs to local and regional school districts related to performing educational assessments on students for whom they would not normally perform such assessments. Such assessments require a bank of educational professionals and at times substitute teachers to cover classroom time when such professionals are performing and reviewing assessments. Should the number of such assessments increase by more than a minimal amount in any district additional staff and financial resources will be required. Any additional staff would be beyond the currently budgeted resources of local and regional school districts and would thus require an increase in revenue from local sources or a redirection of current resources. In many cases a redirection of current resources would not be possible as districts already are performing other mandated tasks.

OLR Bill Analysis

SB 414

AN ACT CONCERNING SPECIAL EDUCATION SERVICES FOR CHILDREN IN THE JUVENILE JUSTICE SYSTEM**SUMMARY:**

This bill requires juvenile probation officers to include in their predispositional reports information about a delinquent special education student's educational services plan. Juvenile courts use these reports to fashion appropriate orders for children convicted of delinquent acts. They include information about the child and his family, school performance, and crimes he has committed.

The bill also permits judges to order predispositional educational assessments to determine if a delinquent child needs special education services. The assessment can include testing to determine whether the child is dependent on drugs or alcohol. The law already permits juvenile judges to order mental, physical, and diagnostic examinations, including learning disability diagnoses and drug and alcohol testing, when this information is needed for the case's disposition.

EFFECTIVE DATE: October 1, 2002

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 37 Nay 0